

REMARKS

Claims 1–4, 7–12, 15, 16, 18, and 22 are pending in this application. Non-elected claims 15, 16, and 18 are withdrawn from consideration by the Examiner. By this Amendment, the specification and claims 1–4, 18, and 22 are amended. Support for the amendments is discussed below. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Amendments to the Specification

The amendments to the specification are set forth above. The amendments are made to correct a typographical error. Specifically, the originally filed disclosure indicated that a pair by pair comparison of SEQ ID NOs:8–35 shows a maximum of 98.7% homology. However, a comparison of SEQ ID NO:33 to SEQ ID NO:34 (727 bp and 726 bp, respectively) indicates that there are a total of 5 nucleotide base additions/deletions between the two sequences:

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tgatcatcaaccatgtgtgcaagttta tcatgtacattaccctacagatacacggctat 59 SEQ ID NO:33
tgatcatcaaccatgtgtgcaagtttaatcatgtacattaccctacagatacacggctat 60 SEQ ID NO:34
*
caaatggctcacctgtacgtccgtcataaagaactgtcttagcatcttttagccattccag 119 SEQ ID NO:33
caaatggctcacctgtacgtccgtcataaagaactgtcttagcatcttttagccattccag 120 SEQ ID NO:34

cttccgcaactgtagaccaaacatcttcatcagtagcaccatcgaataactggtgtagcta 179 SEQ ID NO:33
cttccgcaactgtagaccaaacatcttcatcagtagcaccatcgaataactggtgtagcta 180 SEQ ID NO:34

cgtggattccaagttgttttagcagccatacctaagtgtagctctaatacttgtccaatgt 239 SEQ ID NO:33
cgtggattccaagttgttttagcagccatacctaagtgtagctctaatacttgtccaatgt 240 SEQ ID NO:34

tcatacagagatggaacccaagtgggtttaacattacgtcaactggtgtaccatctggta 299 SEQ ID NO:33
tcatacagagatggaacccaagtgggtttaacattacgtcaactggtgtaccatctggta 300 SEQ ID NO:34

ggtaaggcatatcttcttctggttaagatatttgagataacccctttgttaccgtgacgac 359 SEQ ID NO:33
ggtaaggcatatcttcttctggttaagatatttgagataacccctttgttaccgtgacgac 360 SEQ ID NO:34

cggccattttatctcctacacgaattttacgtttttggacgataaatacacgaacaagt 419 SEQ ID NO:33
cggccattttatctcctacacgaattttacgtttttggacgataaatacacgaacaagt 420 SEQ ID NO:34

catttacaccgttaggtaattcagcaccatcttcacgtttaaagattttaacatcagcaa 479 SEQ ID NO:33
catttacaccgttaggtaattcagcaccatcttcacgtttaaagattttaacatcagcaa 480 SEQ ID NO:34

ctactccatcagcaccgtgaggtaacgtaatgaagtatcacgtacttcttttagatttag 539 SEQ ID NO:33
ctactccatcagcaccgtgaggtaacgtaatgaagtatcacgtacttcttttagatttag 540 SEQ ID NO:34

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ctccaaagatagcatataataatttttcttctggagtttggttcagttaatcctttcggtg 599 SEQ ID NO:33
ctccaaagatagcatataataatttttcttctggagtttggttcagttaatcctttcggtg 600 SEQ ID NO:34

taactttacctaactaaaatatctccatctttaacttcagccccaatacgaatgattcctc 659 SEQ ID NO:33
taactttacctaactaaaatatctccatctttaacttcagccccaatacgaatgattcctc 660 SEQ ID NO:34

gtgcatctaagtttctaagtgcattttcaccctacgtttggaatctcacgagtaatttct 719 SEQ ID NO:33
gtgcatctaagtttctaagtgcattttcacc tacgtttggaatctcacgagta ttct 717 SEQ ID NO:34
                                *                               **

tcaggtc a 727 SEQ ID NO:33
tcaggcca 726 SEQ ID NO:34
      *
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Taking the longer length of the two sequences (727 bp and 726 bp respectively) and based on the 5 base differences, the percent homology between the two sequences is calculated as follows:

$$(727-5)/(727) \times 100\% = 99.312\%$$

As such, Applicants respectfully submit that the amendments made to the specification as set forth above are clearly supported by the specification, and are to correct a typographical error and, thus, do not constitute adding new matter to the disclosure. Thus, entry of the amendments to the specification are respectfully requested.

II. Amendments to the Claims

A. Changing 98.7% to 99.3%

By this Amendment, claims 1–4 are amended to recite "sequences having at least 98.7% 99.3% homology." Support for these amendments may be found, for example, in the specification at the paragraph beginning on page 16, line 26, as amended. Entry of these claims amendments is respectfully requested.

B. Deleting Designations of Variable Nucleotides

By this Amendment, claims 1, 3, 4, 18, and 22 are amended to delete the designations of variable nucleotides with respect to SEQ ID NOs:8–35 because the Sequence Listing does not identify any variable nucleotides for those sequences. Entry of these claims amendments is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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